

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Vincent Lane,

Plaintiff,

v.

Case No. 2:19-cv-1793

C/O Beavers, et al.,

Judge Michael H. Watson

Defendants.

Magistrate Judge Jolson

OPINION AND ORDER

On August 2, 2019, Magistrate Judge Jolson issued a Report and Recommendation and Order ("R&R") recommending that Vincent Lane's ("Plaintiff") motions for injunctive relief, ECF Nos. 6, 14, 20, 30, and 31, be denied and denying without prejudice Plaintiff's other motions, ECF Nos. 15, 16, 17, 18, 19, 21, 22, 23, 24, 29, 33, 34, 36, and 37. R&R, ECF No. 38. Plaintiff has objected to the R&R. ECF No. 45. For the following reasons, the R&R is **AFFIRMED and ADOPTED in part**. The remainder of the R&R is not adopted because it deals with issues that are now moot.

Magistrate Judge Jolson issued the R&R pursuant to Federal Rule of Civil Procedure 72(a) and (b). Pursuant to Rule 72(a), the Undersigned must modify or set aside any non-dispositive portions of the R&R that are clearly erroneous or contrary to law. Those portions of the R&R dealing with dispositive motions will be reviewed *de novo*, and the Undersigned may accept, reject, or modify the

R&R, receive further evidence, or return the matter to the Magistrate Judge with instructions. Fed. R. Civ. P. 72(b)(3).

First, the Court affirms and adopts the R&R to the extent it denied without prejudice Plaintiff's non-dispositive motions dealing with discovery or Plaintiff's request to add new evidence to the record, ECF Nos. 15, 16, 17, 18, 19, 21, 22, 23, 24, 29, 33, 34, 36, and 37. Plaintiff did not specifically object to these portions of the R&R, and the Court agrees with Magistrate Judge Jolson that the motions are procedurally improper. Plaintiff can seek discovery or to amend his complaint in accordance with the Federal Rules of Civil Procedure. Therefore, ECF Nos. 15, 16, 17, 18, 19, 21, 22, 23, 24, 29, 33, 34, 36, and 37 are **DENIED WITHOUT PREJUDICE.**¹

Plaintiff's motions seeking injunctive relief, ECF Nos. 6, 14, 20, 30, and 31, revolve around his incarceration at Ross Correctional Institution ("RCI") and his resulting interactions with certain corrections officers at RCI who have been named as defendants. On November 8, 2019, Plaintiff filed a notice of change of address, indicating that he had been transferred to Mansfield Correctional Institution. ECF No. 55.² Because Plaintiff is no longer in RCI under the supervision of Defendants, there is no longer an ongoing controversy requiring


¹ For the same reasons, ECF Nos. 40, 41, 42, and 43, which were filed after the R&R, are **DENIED WITHOUT PREJUDICE.**

² The Court notes that the Prison Rape Elimination Act ("PREA") report that was made in response to some of Plaintiff's allegations found that Plaintiff would keep filing PREA complaints until he received a transfer north to be closer to home. Mansfield Correctional Institution is north of RCI.

injunctive relief from the Court. Therefore, Plaintiff's motions for injunctive relief, ECF Nos. 6, 14, 20, 30, and 31, are **DENIED WITHOUT PREJUDICE as MOOT**.³ If *any* party becomes aware that one of the Defendants will come into contact with Plaintiff (e.g. Plaintiff is scheduled to be transferred back to RCI or one of Defendants is transferred to Mansfield Correctional Institution, that party shall file a status update to that effect within one business day. If Plaintiff is currently having contact with the Defendants despite his transfer, he may refile his motion for injunctive relief stating the nature of the continuing contact, the ongoing harm he is experiencing, and the basis for relief.

Finally, because the only claims in this case involve injunctive relief and Plaintiff appears to no longer be in contact with Defendants, Plaintiff is **DIRECTED** to move to amend his Complaint within thirty days or the Court may sua sponte dismiss this case for lack of subject matter jurisdiction.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Michael H. Watson", is written over a horizontal line.

**MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT**

³ For the same reasons, ECF No. 32, which was filed after the R&R, is **DENIED WITHOUT PREJUDICE as MOOT**.